

REMARKS

By an Office Action dated May 17, 2005 in the file of the above-identified application, the Examiner rejected all the claims of the application based on grounds under 35 U.S.C. §112. By this response, the applicants have amended the claims and presented arguments herewith to respond to each of those grounds of rejection. Based on this submission, reconsideration of the merits of this patent application is respectfully requested.

The applicants wish to thank the Examiner for the withdrawal of the rejection under 35 U.S.C. §112, first paragraph, for lack of enablement.

On page 2 of the Office Action is a discussion of 35 U.S.C. §112, first paragraph, for the written description requirement. The applicants understand the claims still to be rejected under this provision, and the applicants respectfully requests reconsideration of this rejection based on this submission here.

First, the applicants submit that the specification does teach examples of encompassed ABC inhibitors. The examples include the sulfonylurea compounds, such as the specific molecule glyburide, but that is not the end of the enclosure taught by the applicants here. The applicants also specifically teach and envision monoclonal antibodies which are specific for the extracellular domains of the ABC1 protein, and the specific extracellular domains are recited in the specification on page 9 of the application. In addition, the applicants specifically envisioned in the specification the use of antisense as a mechanism to lower ABC1 activity, recited in the specification in, the sentence which bridges pages 6 and 7 of the specification as filed, and the sentence which follows. Thus, the question in this case is not whether applicants have enabled specific molecules which can fit within the method of the present invention, the question is whether the applicants have enabled enough molecules to claim the method generally. The applicants submit that they have. The applicants have enabled three different methodologies for achieving the same objective, and have demonstrated that those methodologies do achieve the desired object. The applicants are not claiming any specific compounds in the case. The claims of the application are to a method, and exemplary agents which may be used in that method are described in the specification of this application.

Thus, it is submitted that the specification does clearly allow persons of ordinary skill in the art to recognize the invention as claimed. The invention is a method for inhibiting the efficacy of the ABC protein in the gut of an individual, and the applicants have envisioned several categories of agents which may be used within the method of the present invention. The applicants have provided more than one example of agents which may be used within the

method of the present invention, and the Examiner has failed to acknowledge the teachings of the applicants' specification.

Nevertheless, to get past this question and find allowable subject matter, the applicants have amended Claim 1 to recite two of the classes of compounds specifically recited in the specification, the sulfonylurea compounds and antibodies specific to the external domain regions of the ABC1 protein. In addition, the applicants have amended Claim 11 to recite oral administration of the compound, since the applicants submit that oral administration directed to the intestinal lumen is a method of limitation not suggested anywhere in the prior art and that limitation adds sufficient detail to the claims of the present invention to make it clear that the invention was in the hands of the applicants at the time of filing.

Based on these submissions, reconsideration of this requirement is respectfully requested.

Claim 5 is rejected for failure to point out and claim the subject matter. What was intended to be claimed in Claim 5 was that the agent acts directly against the protein rather than be directed against, for example, the expression of the gene by an antisense construct as discussed above. However, in the interest of resolving additional matters with regard to this application and procuring allowance of the remaining claims, Claim 5 has been canceled.

Based on this submission, reconsideration of the merits of this patent application is respectfully requested.

A separate petition for extension of time is submitted herewith so that this response will be considered as timely filed. Please charge the fee to Deposit Account No. 17-0055.

Respectfully submitted,



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